Hu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors:

Alexander GOLITSCHEK EDLER VON ELBWART, et al.

Application No.:

10/538,934

Filed:

June 13, 2005

For:

METHOD AND APPARATUS FOR TRANSMITTING DATA IN

A

DIVERSITY COMMUNICATION SYSTEM

EMPLOYING

CONSTELLATION

REARRANGEMENT WITH QPSK

MODULATION

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents Washington, DC 20231

Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the documents listed on the attached Form PTO 1449. Attached is an English translation of a Japanese Office Action dated December 25, 2007. WO '491 cited therein was filed in the Information Disclosure Statement of June 13, 2005.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see <u>Beckman Instruments</u>, <u>Inc. v. Chemtronics</u>, <u>Inc.</u>, 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that this

art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,

Date: March 25, 2008

James E. Ledbetter Registration No. 28,732

JEL/jcw

ATTORNEY DOCKET NO. <u>007725-05107</u> DICKINSON WRIGHT, PLLC 1901 L STREET, NW, Suite 800 WASHINGTON, DC 20036 Telephone: (202) 659-6960

Facsimile: (202) 659-1559